

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA-NUMBER: DOI-BLM-CO-N010-2010-0065-EA

PERMIT/LEASE NUMBER: COC 74427

PROJECT NAME: Precision Excavating Peroulis Bros. Snake River Pit

LEGAL DESCRIPTION: T. 11 N., R. 95 W. of the 6th PM
Sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

APPLICANT: Precision Excavating, Inc.

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

Name of Plans: Little Snake Resource Management Plan and Record of Decision

Date(s) Approved: April 26, 1989

Results: The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action is in conformance with the objectives for Management Unit 2 (Northern Central).

Remarks: The proposed Precision Excavating Peroulis Bros. Snake River Pit is located within Management Unit 2 (Little Snake Resource Management Plan). The objective of Management Unit 2 is to provide for the development of the oil and gas resource. The development of other resource uses/values within this unit is allowed consistent with the management objectives for oil, gas and forest resources. Public lands are open to development of other federal leasable minerals and federal materials sales consistent with the management objectives for this unit.

PURPOSE AND NEED FOR PROPOSED ACTION: The purpose and need for the proposed action is to make mineral materials resources available for recovery and beneficial use consistent with the following applicable provisions:

- National Environmental Policy Act of 1969 (NEPA);
- The Materials Act of 1947; (61 Stat. 681, 30 U.S.C. 601 et seq.) as principally amended by:
- The Act of July 23, 1955, Public Law 167 (69 Stat. 367, 30 U.S.C. 601)
- Federal Land Policy and Management Act of 1976 (FLPMA)
- BLM regulations

PUBLIC SCOPING PROCESS: This project is listed on the Little Snake Field Office's NEPA log, posted on the LSFO web site.

BACKGROUND: Precision Excavating submitted a complete application for the sale of mineral materials. The surface of the 101 acre tract is privately owned; the minerals were reserved to the U.S. Government in a 1968 Taylor Act land exchange. Sales of federal minerals are consistent with the Resource Management Plan.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

PROPOSED ACTION: The proposed action is to issue a contract for the sale of mineral materials. The extracted gravel would be crushed into road base for use in surfacing of roads and drill pads. Crushing would take place on site. Precision Excavating has a 112 State Permit for this project and has consulted with the Corps of Engineers and the Colorado Division of Wildlife. Due to the proximity of two sage grouse leks, Precision Excavating will not operate the gravel pit from 4:00 AM to 9:00 AM from March 15th to May 15th. Also, Precision Excavating will construct a 4 ft. tall berm around the mining activity phase during grouse nesting season from April to July to provide noise mitigation. The proposed project boundary is 101 acres; a maximum of 35 acres of land would be disturbed at any one time. The average depth of the sand and gravel to be mined is 8 feet. Reclamation of the mined out areas will occur contemporaneously with mining of new areas of the pit. The pit is expected to remain operational for 10 to 20 years, depending on the demand for sand and gravel in the area. Precision Excavating has posted a reclamation bond sufficient to reclaim the 101 acres.

NO ACTION ALTERNATIVE: The application for the sale of mineral materials would be denied and mining of federal sand and gravel at this location would not occur.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY AND CLIMATE

Affected Environment: There are five federal Class I areas within 100 kilometers of the Little Snake Resource Management Area boundary, all of which occur in Colorado. There are no federal Class I areas in Utah or Wyoming within 100 km of the LS RMA boundary. There are no non-attainment areas nearby that would be affected by either alternative.

Environmental Consequences, Proposed Action: Activities associated with sand and gravel mining that may affect air quality, namely dust from excavation and crushing processes and exhaust from mine operation vehicles and heavy equipment, fall below regulated EPA emission standards for the six criteria pollutants of concern (sulfur dioxide, nitrogen oxide, ground-level ozone, carbon monoxide, particulate matter [both PM2.5 and PM10], and lead). This type of mining activity is not a significant source of these pollutant emissions that do occur in Moffat County.

At a regional scale, atmospheric dust, caused by destabilization of soil as a result of land use changes coupled with drought conditions, is receiving increased attention for its ability to alter alpine environments. Dust covered snow melts faster because it can absorb more solar energy, which affects snowpack conditions and can result in earlier and faster spring runoff events. The Colorado Plateau has been identified as a primary dust source for several recent alpine dust events on the Western Slope of Colorado. Areas of low annual precipitation, little to no vegetation cover, and an available supply of sediment are of primary concern for mitigation of expanding or new sources of dust.

Although the mine is expected to be operational for 10-20 years, active operation will be project dependent and intermittent in nature. A maximum of 35 of the 101 total surface acres will be disturbed at any one time and reclamation of the mined areas will occur contemporaneously with mining of new areas of the pit, which should help keep dust down during dry periods and over the long term. Per Exhibit D of the reclamation plan submitted to the State of Colorado Division of Reclamation, Mining, and Safety, the operator has agreed to protect overburden stockpiles from wind and water erosion with temporary seed cover if left in place for more than 180 days or one growing season. Per State of Colorado Division of Water Resources permit, water will also be used for dust control. Impacts to air quality caused by the proposed action are considered minimal.

Environmental Consequences, No Action Alternative: There would be no air quality impact associated with this project.

Mitigative Measures: Retain as much vegetative cover as possible during the project and/or reclaiming and covering disturbed areas shortly following excavation. Follow dust and sediment abatement measures as outlined in the reclamation plan submitted to the State of Colorado Division of Reclamation, Mining, and Safety.

Name of specialist and date: Emily Spencer, 5/4/10

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not Present

Environmental Consequences: Not Applicable

Mitigative Measures: Not Applicable

Name of specialist and date: Gina Robison, 5/4/10

CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Professional Archaeologists.

Environmental Consequences, Proposed Action: The proposed project, Peroulis Gravel Pit, has undergone a Class III cultural resource survey:

Morris, Robyn Watkins

2010 A Class III Cultural Resource Inventory of Peroulis Gravel Pit, Moffat County, Colorado (BLM 10.33.2010)

The survey identified no eligible to the National Register of Historic Places cultural resources. The proposed project may proceed as described with the following mitigative measures in place.

Environmental Consequences, No Action Alternative: There would be no impacts to cultural resources associated with this project.

Mitigative Measures:

The following standard stipulations apply for this project:

1. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970)

826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

2. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Name of specialist and date: Robyn Watkins Morris, 6/10/10

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Oil and gas and ranching are the primary economic activities.

Environmental Consequences, both alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None

Name of specialist and date: Louise McMinn, 4/26/10

FLOODPLAINS

Affected Environment: There are no 100-year floodplains present within the proposed project area.

Environmental Consequences, both alternatives: None

Mitigative Measures: None

Name of specialist and date: Emily Spencer, 4/30/10

INVASIVE, NONNATIVE SPECIES

Affected Environment: Invasive species and noxious weeds occur within the affected area. Downy brome (cheatgrass), yellow alyssum, blue mustard and other annual weeds are common along roadsides and on other disturbed areas. Canada thistle and several species of

biennial thistles are known to occur in this area. Halogeton has also become a problem in the affected area, as well as other areas in the western portion of Moffat County. Russian knapweed and hoary cress (whiteweed) have been found in the vicinity of this project. Other species of noxious weeds could be introduced by vehicle traffic, livestock and wildlife. The BLM, Moffat County, livestock operators, pipeline companies and oil and gas operators have formed the Northwest Colorado Weed Partnership to collaborate efforts on controlling weeds and finding the best integrated approaches to achieve results. Additionally, the BLM is in cooperation with Moffat County's Cooperative Weed Management program to control noxious weeds on nearby public lands. Principals of Integrated Pest Management are employed to control noxious weeds on public lands in the Little Snake Field Office.

Environmental Consequences, Proposed Action: Surface disturbing activities such as the proposed action provide an opportunity for weed spread and establishment. In the proposed action permit the applicant would be responsible for controlling non-native weed species and restoring native vegetation. The largest concern would be for biennial and perennial noxious weeds to establish and not be treated. Once an infestation is detected it could be controlled with various IWM techniques. Land practices and land uses by the applicant and their weed control efforts and awareness would largely determine the establishment and treatment of weed infestations.

Environmental Consequences, No Action Alternative: This alternative would have no effect on current weed infestations or spread.

Mitigative Measures: None

Name of specialist and date: Christina Rhyne 5/13/10

MIGRATORY BIRDS

Affected Environment: The project area contains potential nesting and/or foraging habitat for the following USFWS 2008 Birds of Conservation Concern: Brewer's sparrow, sage sparrow, sage thrasher and bald eagle. Although several of these species are known to nest in the area, GIS data for specific nest locations are currently unavailable.

Environmental Consequences, Proposed Action: The proposed action would result in disturbance of 101 acres of sagebrush/grasslands. Potential impacts for the above species include habitat degradation, fragmentation, and loss; individual displacement; and reduced fitness. Depending on timing of construction, unintentional destruction of nests and eggs and take of fledglings may occur. Disturbance will be limited to 35 acres at any one time, thus minimizing impacts to migratory bird populations.

Environmental Consequences, No Action Alternative: Under the no action alternative, project would not be conducted and therefore migratory birds would not be affected as a result of the project.

Mitigative Measures: None

Name of specialist and date: Gail E. Martinez, 04/30/10

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Eastern Shoshone, Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 26, 2009. The letter listed the FY2010 projects that the BLM would notify them on and projects that would not require notification. A follow-up phone call was performed on July 26, 2009. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris, 6/10/10

PRIME & UNIQUE FARMLANDS

Affected Environment: No Prime and/or Unique Farmlands are present in the vicinity of the proposed project.

Environmental Consequences, both alternatives: None

Mitigation Measures: None

Name of specialist and date: Emily Spencer, 4/30/10

T&E AND SENSITIVE ANIMALS

Affected Environment: The project area provides general winter habitat for the bald eagle. The bald eagle was recently delisted under the Endangered Species Act but is a sensitive species. Bald eagles are known to winter along portions of the Little Snake and Yampa Rivers, using adjacent upland habitat as scavenging areas primarily for winter or vehicle killed mule deer and elk. Any bald eagle in the project area would be opportunistically feeding on carrion. The project area also provides overall, nesting and winter habitat for greater sage-grouse, a BLM special status species. There is a greater sage-grouse lek located approximately 0.4 miles to the east of the county road where the gravel pit will be located.

Environmental Consequences, Proposed Action: There have not been any site specific observation of eagles in the project area and the project site does not contain any critical eagle habitat such as roosting or perching sites. Bald eagles would only be in the project area if they were opportunistically feeding on carrion during the winter months. The likelihood of a bald eagle occurring at the proposed gravel pit is low. Although the proposed action would alter 101 acres of habitat, this would not impact bald eagles' ability to feed on carrion in upland habitats.

The proposed gravel pit would result in the long term loss of 101 acres of poor quality nesting habitat for greater sage-grouse. Most nesting sage-grouse would avoid this area due to activity associated with this county road. There is sufficient higher quality nesting habitat located away from the proposed pit and towards the lek site. This undisturbed habitat is capable of supporting sage-grouse nesting habitat needs. The timing stipulations as described in the proposed action during the months of April to July should minimize disturbances to sage-grouse at the near-by lek site during the breeding season.

Environmental Consequences, No Action Alternative: The No Action Alternative would not have a negative impact on any threatened, endangered or special status species or their habitats.

Mitigative Measures: None

Name of specialist and date: Gail E. Martinez, 4/30/10

T&E AND SENSITIVE PLANTS

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species present within the proposed project area.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim, 4/30/10

WASTES, HAZARDOUS OR SOLID

Affected Environment: The area proposed for project construction is a remote area that has little influence from human activity. Currently, there are no hazardous materials present within or in the vicinity of the proposed project area.

Environmental Consequences, Proposed Action: Potential releases of hazardous materials could occur due to vehicular access during mining operations and reclamation operations of the site. Coolant, oil, and fuel are materials that could potentially be released. The potential for releases of any of these materials is low and if a release were to occur, it would be minimal and highly localized and not result in an adverse impact to the site.

Environmental Consequences, No Action Alternative: None

Mitigative Measures: None

Name of specialist and date: Jennifer Maiolo 5/12/10

WATER QUALITY – GROUND

Affected Environment: The surface material consists mainly of Tertiary Age, Wasatch Cathedral Bluffs Tongue Formation. The proposed action should not impact any strata that contain useable groundwater.

Environmental Consequences, both alternatives: None

Mitigative Measures: None

Name of specialist and date: Marty O'Mara, 4/29/10

WATER QUALITY – SURFACE

Affected Environment: The proposed project is located on private land about one to two miles east of the Little Snake River. There are two unnamed intermittent tributaries to the Little Snake River that occur to the north and south of the proposed project area. Water qualities for all tributaries of the Little Snake River in this reach (below its confluence with Fourmile Creek) are use protected and must support Aquatic Life Warm 2, Recreation N, and Agricultural uses. As of 2010 the Little Snake River downstream of its confluence with Powder Wash (from Powder Wash to the Yampa River) is on the Colorado Department of Public Health and Environment's Monitoring and Evaluation List for a suspected water quality problem regarding sediment load (CDPHE 2010).

Environmental Consequences, Proposed Action: Although the mine is expected to be operational for 10-20 years, active operation would be project dependent and intermittent in nature. A maximum of 35 of the 101 total surface acres would be disturbed at any one time and reclamation of the mined areas will occur contemporaneously with mining of new areas of the pit. Per Exhibit D of the reclamation plan submitted to the State of Colorado Division of Reclamation, Mining, and Safety, the operator has agreed to create berms around the overburden stockpiles to prevent sediment from the piles from compromising water quality integrity. At least two sediment retention ponds are proposed to be built onsite. Stockpiles will also be protected from wind and water erosion with temporary seed cover if left in place for more that 180 days or one growing season. Impacts to water quality caused by the proposed action are considered minimal.

Environmental Consequences, No Action Alternative: There would be no project-related impacts.

Mitigative Measures: Retain as much vegetative cover as possible during the project and/or reclaiming and covering disturbed areas shortly following excavation. Follow dust and sediment abatement measures as outlined in the reclamation plan submitted to the State of Colorado Division of Reclamation, Mining, and Safety.

Name of specialist and date: Emily Spencer, 5/4/10

Reference: Colorado Department of Public Health and Environment Water Quality Control Commission. 2010. Regulations #33, 37, and 93. <http://www.cdphe.state.co.us/regulations/wqccregs/index.html>

WETLANDS/RIPARIAN ZONES

Affected Environment: There are no wetlands, springs, or riparian areas present on federal lands within the proposed project area.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Emily Spencer, 4/30/10

WILD & SCENIC RIVERS

Affected Environment: Not Present

Environmental Consequences: Not Applicable

Mitigative Measures: Not Applicable

Name of specialist and date: Gina Robison, 5/4/10

WSAs, WILDERNESS CHARACTERISTICS

Affected Environment: Not Present

Environmental Consequences: Not Applicable

Mitigative Measures: Not Applicable

Name of specialist and date: Gina Robison, 5/4/10

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

SOILS

Affected Environment: The proposed project occurs on Ruedloff Sandy Loam soils.

Environmental Consequences, Proposed Action: Sand and gravel will be mined at a maximum depth of eight feet, removing all surface soil. Because the proposed action occurs on private (surface) lands with federal minerals, this element is not brought forward for analysis.

Environmental Consequences, No Action Alternative: None

Mitigative Measures: None

Name of specialist and date: Emily Spencer, 5/3/10

UPLAND VEGETATION

Affected Environment: The proposed project occurs on a Sandy ecological site. Typical vegetation for this site includes Wyoming big sagebrush, prickly pear cactus, Indian ricegrass, needleandthread, Sandberg's bluegrass, and other forbs and shrubs associated with sagebrush grasslands.

Environmental Consequences, Proposed Action: Over the life of this project over 100 acres of vegetation would be removed and reclaimed. As long as native species are used in reclamation and noxious weed/invasive species are controlled post project impacts would be negligible.

Environmental Consequences, No Action Alternative: None

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 05/20/10

WILDLIFE, TERRESTRIAL

Affected Environment: The proposed project area provides year round habitat for mule deer, elk and pronghorn antelope including winter habitat for pronghorn antelope and elk. A variety of small mammals, reptiles and song birds may be found within the project area as well.

Environmental Consequences, Proposed Action: The proposed gravel pit along Moffat County Road 21 may displace ungulate species out of the project area. However, it is likely that excavation of material from the pit would occur outside of the winter months reducing potential to displace ungulate species from the project area. The proposed pit would result in the long term loss of approximately 101 acres of habitat. Most small mammals, song birds and reptiles would be displaced from the project area. There is slight potential that some small animals especially burrowing mammals could be killed during the initial construction phase of this project. Once the ground has been disturbed, it is unlikely to be used by wildlife for the life of the pit. Disturbances associated with the proposed pit are unlikely to harm any wildlife populations.

Environmental Consequences, No Action Alternative: There would be no impacts to wildlife species as a result of the No Action Alternative.

Mitigative Measures: None

Name of specialist and date: Gail E. Martinez, 4/30/10

PALEONTOLOGY

Affected Environment: The geologic formation at the surface is the Tertiary Age formation, Wasatch Formation, Cathedral Bluffs Tongue (Twc), a variegated claystone, mudstone and sandstone formation. This formation has been classified a Class II formation for the potential for occurrence of scientifically significant fossils.

Environmental Consequences: Scientifically significant fossils are occasionally found within this formation (Armstrong & Wolney, 1989). The potential for discovery of significant fossils on this location is considered to be moderate. If any such fossils are located here, construction activities could damage the fossils and the information that could have been gained from them would be lost. The significance of this impact would depend upon the significance of the fossil. Ceasing operations and notifying the Field Office Manager immediately upon discovery of a fossil during construction activities can effectively mitigate this impact. An assessment of the significance is made and a plan to retrieve the fossil or the information from the fossil is developed.

The proposed action could also constitute a beneficial impact to paleontological resources by increasing the chances for discovery of scientifically significant fossils.

Mitigative Measures: "Standard Discovery Stipulation", i.e., "If fossils are discovered during construction or other operations, all activity in the area will cease and the Field Office Manager will be notified immediately. An assessment of significance will be made within an agreed time frame. Operations will resume only upon written notification by the Authorized Officer."

References:

Armstrong, Harley J. and Wolney, David G., 1989, Paleontological Resources of Northwest Colorado: A Regional Analysis, Museum of Western Colorado, Grand Junction, CO, prepared for Bur. Land Management, Vol. I of V.

Miller, A.E., 1977, Geology of Moffat County, Colorado, Colo. Geol. Surv. Map Series 3, 1:126,720.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals		EMO 4/29/10	
Forest Management	JAM 5/12/10		
Hydrology/Ground		EMO 4/29/10	

Hydrology/Surface		ELS 5/4/10	
Range Management	ML 05/20/10		
Realty Authorizations	LM 4/26/10		
Recreation/Travel Mgmt		GMR 5/4/10	
Socio-Economics		LM 4/26/10	
Solid Minerals		JAM 4/29/10	
Visual Resources		GMR 5/4/10	
Wild Horse & Burro Mgmt	JAM 5/12/10		
Wildlife, Aquatic	GEM 04/30/10		

CUMULATIVE IMPACTS SUMMARY:

The gravel pit will be developed with a maximum of 35 acre areas of disturbance at one time, with contemporaneous reclamation. The permit area is in a sparsely populated region. This permit area has two exiting Moffat County gravel pits within 20 miles and has historically been grazed by sheep. Numerous maintained and unmaintained roads exist throughout the area. These roads are used regularly by local residents and ranchers and oil and gas drilling operators. The primary impacts from all of these activities are most immediately seen in the presence of roads, grazing on private lands, and weed presence. The Proposed Action to issue a permit for the sale of mineral materials is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present.

STANDARDS

As the Peroulis Brothers Gravel Pit is located on private surface, Standards will not be analyzed.

PERSONS/AGENCIES CONSULTED:

Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

FONSI
DOI-BLM-CO-N010-2010-0065-EA

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. With the implementation of the attached mitigation measures there is a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and

requirements for the protection of the environment.

DECISION AND RATIONALE: I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the project with the mitigation measures identified below.

Mitigation Measures/Remarks:

It is my decision to implement the project with the mitigation measures identified below.

MITIGATION MEASURES:

1. The following standard cultural stipulations apply for this project:
 1. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:
 - Whether the materials appear eligible for the National Register of Historic Places;
 - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
 - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony.
 - Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
2. If cultural or paleontological resources are discovered during operations under this lease, the lessee shall immediately notify the Field Office Manager and shall not disturb such discovered resources until the Field Office Manager issues specific instructions.
 - a. Within 5 working days after notification, the Field Office Manager shall evaluate any cultural resources discovered and shall determine whether any action may be required to protect or to preserve such

discoveries.

b. The cost of data recovery for cultural resources discovered during exploration operations shall be borne by the lessee, if the lessee is ordered to take any protective measures. Ownership of cultural resources discovered shall be determined in accordance with applicable law

3. In order to protect nesting greater sage-grouse and Columbian sharp-tailed grouse, no surface disturbing activities will be permitted between 4 AM to 9AM from March 15 – May 15.
4. Integrated pest management techniques will be employed to control noxious weeds on disturbed areas at surface facilities and roads and where they have spread onto adjacent lands from these facilities
5. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

COMPLIANCE PLAN(S):

Periodic compliance inspections will be performed over the life of this project to insure that all mitigation measures are being implemented as required. The inspections will be performed by the Little Snake Field Office's mining engineer and Natural Resource Specialist.

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED: